

REMARKS

In the Office Action, the Examiner noted that Claims 34-41, 43-47, 50-58, 68, 70 and 72-74 are allowed over the prior art of record, and that claims 48 and 49 would be allowable. Claims 59-61 are the only claims that stand currently rejected based on prior art.

Applicant graciously acknowledges the Examiner's indication of allowable subject matter.

By this Amendment, Claims 48 and 49 have been amended, and Claims 59-61 have been cancelled. Thus, Claims 34-41, 43-49, 68, 70 and 72-74 are presented for examination.

The Examiner's rejections are traversed below.

Objection to the Specification

The specification is objected due to informalities. Applicant has corrected the priority information, as well as added a description of the Appendix A. Note that the Specification does include a description of Appendix A on page 46, line 12.

Rejections Under 35 USC Section 112 Second Paragraph

Claims 48 and 49 stand rejected under 35 USC Section 112 Second Paragraph as being indefinite. Although Applicant believes the claims are clear, Applicant has amended the claims with respect to formalities to correct the dependency of these claims. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 USC Section 103

Claims 59-61 stand rejected based on the following prior art references: Fattal et al. U.S. Patent 4,927,486; combined with Vijuk U.S. Patent 6,273,411 under 35 USC Section 103.

Applicant has cancelled claims 59-61, without prejudice or disclaimer. Accordingly, withdrawal of this rejection for these reasons is respectfully requested.

In addition, Applicant respectfully submits that the combination of features in the these claims is nevertheless patentably distinguishable over the prior art, when each claim is considered a whole, for each independent combination recited therein.

CONCLUSION

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims. Moreover, Applicant reserves the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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